

OPINION
46-260

March 28, 1946 (OPINION)

SCHOOL DISTRICTS

RE: Independent - Nominations - How Made

This is in reply to your inquiry over telephone this morning as to the method of placing the names of candidates upon election ballots in independent school districts.

There is no statute under the titles in the 1943 Revised Code dealing with this proposition except that section 15-3102 provides, among other things, that each election shall be noticed and conducted in all respects and the votes shall be canvassed as in the case of municipal elections.

Section 40-2107 deals with petitions for nomination of elective officials in municipalities and signatures required. This section reads as follows:

"A candidate for any public office in an incorporated city or village may be nominated by filing with the city auditor, at least twenty days prior to the holding of the election, a petition signed by not less than ten percent of the qualified electors residing within the ward or precinct in and for which such officer is to be elected, if the election is by wards, or a like percent of the voters of the city or village if the officer is elected at large, except that in cities operating under the commission system of government the required petition may be signed by the electors at large residing within such city. In no case shall more than three hundred signatures be required, and such signatures may be on separate sheets of paper. No elector shall sign more than one petition for the same office. Each signer of such petition shall add to his name his post office address, giving the street and number of his residence."

It will be observed that an independent school district is a municipality and a political subdivision of the state, and since there is no other provision dealing with the nomination of candidates, section 40-2107 must be held to be applicable. This statute provides that, * * * at least twenty days prior to the holding of the election, a petition signed by not less than ten percent of the qualified electors residing within the ward or precinct in and for which such officer is to be elected, if the election is by wards, * * * except that in cities operating under the commission system of government the required petition may be signed by the electors at large residing within such city. In no case shall more than three hundred signatures be required, * * *."

Since there is no other method provided by statute for nominating candidates for office in an independent school district, it must be held under the well settled rule of statutory construction that section 40-2107 is exclusive and that the same provides the only

method by which candidates may have their names printed on the ballot; that is, they must have the required number of signatures and the same must be filed with the proper officer at least twenty days prior to the holding of the election.

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